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January 25, 2002

**ATTORNEY DOCKET NO.: REGEN1260-3**

Parent Application No.: 09/396,003

Parent Filing Date: September 13, 1999

Parent Inventors: Roger Y. Tsien, Roger Heim and Andrew Cubitt

**Box PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

Presented for filing is a new **Continuation** patent application of:

Applicants: **Roger Y. Tsien, Roger Heim and Andrew Cubitt**

Title: **TANDEM FLUORESCENT PROTEIN CONSTRUCTS**

This is a request for filing a **continuation** application under 37 C.F.R. § 1.53(b), of prior U.S. Application Serial No. 09/396,003 filed September 13, 1999, which is a continuation of U.S. Serial No. 08/792,553, filed January 31, 1997 (now U.S. Patent No. 5,981,200), which is a continuation-in-part of U.S. Serial No. 08/594,575, filed January 31, 1996.

The prior application is assigned of record to two entities: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, by virtue of an assignment submitted to the Patent and Trademark Office for recording on April 23, 1996, at Reel 0859, Frame 4575. The second entity is AURORA BIOSCIENCES CORPORATION, by virtue of an assignment submitted to the Patent and Trademark Office for recording on June 18, 1997, at Reel 8591, Frame 0069.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

"EXPRESS MAIL" Mailing Label Number: EV 016 236 959 US  
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I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231

ALDON GRIFFIS  
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SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsien *et al.* Art Unit: Unassigned  
Application No.: To be assigned Examiner: Unassigned  
Filed: Herewith  
Title: TANDEM FLUORESCENT PROTEIN CONSTRUCTS

**Box PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

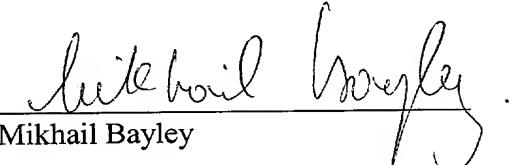
**VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)**

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 01/24/2002

  
Mikhail Bayley

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ATTORNEY DOCKET NO.: REGEN1260-3

BOX PATENT APPLICATION

January 25, 2002

Page Three

Enclosed is Check No. 499591 in the TOTAL amount of \$1,794.00; which consists of \$740.00 for the basic filing fee, \$270.00 for Fifteen (15) total additional claims over 20 claims and \$504.00 for Six (6) total additional claims over 3 independent claims. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A duplicate copy of this Transmittal is enclosed.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.  
**GRAY CARY WARE & FREIDENRICH LLP**  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Very truly yours,

**GRAY CARY WARE & FREIDENRICH LLP**

January 25, 2002

Date

LAH/RJI:ag  
Enclosures

  
Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 577-1456  
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## GRAY CARY WARE &amp; FREIDENRICH LLP

ATTORNEY DOCKET NO.: REGEN1260-3

BOX PATENT APPLICATION

January 25, 2002

Page Two

|                                      | <u>Pages</u> |
|--------------------------------------|--------------|
| Specification                        | 62           |
| Claims                               | 9            |
| Abstract                             | 1            |
| Signed Declaration/POA (from parent) | 2            |
| Formal Drawings                      | 10           |

Enclosures:

- Preliminary Amendment (18 pages with Exhibit A);
- Copy of One (1) Month Extension of Time from Parent (2 pages);
- Verified Statement Under 37 C.F.R. § 1.821(f) (1 Page);
- Statement Under 37 C.F.R. §§ 1.821(f) and (g) (1 Page);
- Sequence Listing Hard Copy (10 Pages);
- Sequence Listing Computer Copy (1 Disk);
- Appointment of Associate Attorney (2 pages);
- Check No. 499591 in the amount of \$1,794.00; and
- Return Receipt Postcard.

This application is a **continuation** and claims the benefit of priority under 35 USC § 120 of U.S. Application Serial No. 09/396,003 filed September 13, 1999; which claims priority under 35 USC § 120 of U.S. Application Serial No. 08/792,553 filed January 31, 1997, issued as U.S. patent 5,91,200; which claims priority under 35 USC § 120 of U.S. Application Serial No. 08/594,575 filed January 31, 1996. The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

|   | Number Filed                            |                             | Number Extra |   | Rate         |              |           | Fee          |              |
|---|---|-----------------------------|--------------|---|--------------|--------------|-----------|--------------|--------------|
|   |   |                             |              |   | Small Entity | Large Entity |           | Small Entity | Large Entity |
| Total Claims                            | 35-20                                   | =                           | 15           | X | \$09         | \$18         | =         | \$ 270.00    | --           |
| Independent Claims                      | 9-3                                     | =                           | 6            | X | \$42         | \$84         | =         | \$ --        | \$ 504.00    |
| Multiple Dependent<br>Claims Presented: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |              |   | \$140        | \$280        |           | \$ ---       | \$ 280.00    |
|   |   |                             |              |   | BASIC FEE    |              | \$ 370.00 | \$ 740.00    |              |
|   |   |                             |              |   | TOTAL FEE    |              |           |              | \$1,794.00   |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsien *et al.* Art Unit: Unassigned  
Application No.: To be assigned Examiner: Unassigned  
Filed: Herewith  
Title: TANDEM FLUORESCENT PROTEIN CONSTRUCTS

Box PATENT APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g)

Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

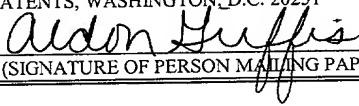
Respectfully submitted,

  
Lisa A. Haile, J.D., Ph.D.  
Reg. No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Date: January 25, 2002

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In re Application of:  
Tsien et al.  
Application No.: 09/396,003  
Filed: September 13, 1999  
Page 2

PATENT  
Attorney Docket No.: REGEN1260-2

Enclosed is Check No. 499480 in the amount of \$110.00; which consists of the fee for One (1) Month Extension of Time. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A copy of this Petition Sheet is enclosed.

Respectfully submitted,

  
Lisa A. Haile, J.D., Ph.D.  
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